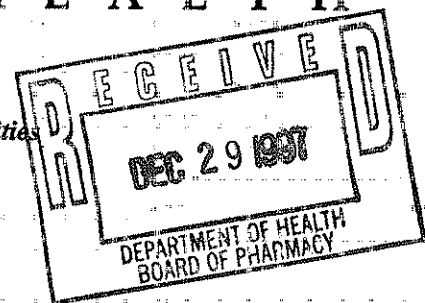


STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH

Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE



No. C96-196

In the matter of:
HENRY J. SPENCER, M.D.

CONSENT ORDER

The Board of Medical Licensure and Discipline (the "Board") has received a Memorandum of Decision and Order by the State of Connecticut Medical Examining Board which assessed a civil penalty of \$1,000, finding the Respondent, Henry J. Spencer, M.D., violated Connecticut General Statutes §20-13c by sharing confidential information with a patient's mother without his patient's consent. Pursuant to §5-37-5.2 of the General Laws of the State of Rhode Island, 1956, as amended, the Board has proceeded on its own initiative.

FINDINGS OF FACT

1. On June 15, 1994, the Respondent called the patient's mother because of concern regarding the consequences of taking Griseofulvin without additional barrier contraceptives.
2. The Respondent did not seek or receive the patient's consent before contacting her mother.

3. The Rhode Island Board of Medical Licensure and Discipline incorporates the Memorandum of Decision and Order of the State of Connecticut.

4. The Board of Medical Licensure and Discipline finds that the Respondent has received disciplinary action for acts in the State of Connecticut which are grounds for action in Rhode Island pursuant to Rhode Island General Laws §5-37-51.(21).

5. The Respondent has paid the civil penalty assessed by the Connecticut Medical Examining Board.

The parties agree as follows:

a) The Respondent is a physician who is licensed in the State of Rhode Island, allopathic license number 6122.

b) The Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

c) The Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on the Respondent until final ratification by the Board.

d) The Respondent hereby acknowledges and waives;

1) The right to appear personally or by

counsel or both before the Board;

- 2) The right to produce witnesses and evidence in his behalf at a hearing;
- 3) The right to cross examine witnesses;
- 4) The right to have subpoenas issued by the Board.
- 5) The right to further procedural steps except for those specifically contained herein;
- 6) Any and all rights of appeal of this Consent Order;
- 7) Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- 8) Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order; and
- 9) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

e. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.


f. Respondent voluntarily accepts the Board's findings of unprofessional conduct as defined in Rhode Island General Laws §5-37-5.1(21).

g. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

Signed this 26th day of November, 1997.


Henry J. Spencer, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on December 10, 1997.


Patricia A. Nolan, MD, MPH
Director of Health
Chairperson
Board of Medical Licensure
and Discipline